

Under direct democracy, how are minority rights protected?

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At the presentation of my book *The Second American Revolution* to Conservative Enthusiasts in Bellevue, Washington, on 2012-03-15, a member of the audience asked me the question expressed in the title above. I wasn't prepared with a systematic answer for the question, so I wish to present a systematic answer here.

The topic of my book

My book, *The Second American Revolution* (2012), doesn't promote direct democracy as a form of government to replace representative democracy because for practical reasons direct democracy is not a viable form of government by itself. As a result, the government of ancient Athens wasn't direct democracy by itself. Some form of representative democracy is necessary for practical reasons, but the theory presented in my book clarifies that there is an inherent deficiency in representative democracy due to public voting, which gives rise to the interest-group problem. This problem is solved by direct democracy since voting is private under direct democracy.

The theory presented in my book puts this insight to use to make government fiscally responsible, as follows. The reason for the unrestrained spending of government is that interest groups motivate legislators to provide benefits for the groups. We solve this problem at its root through direct democracy by using a specially designed initiative process to limit the cost of government. After all, minority interest groups don't have a right to drive up the cost of government, making the majority pay for the benefits to the minority groups.

This is the topic of my book, namely, using direct democracy to make government fiscally responsible.

The broader topic

But for completeness, let's consider the broader topic of protecting minority rights under direct democracy.

If we imagine people gathering in order to create a government for themselves, it becomes clear that all fundamental decisions of this group of people must be made by majority vote with a requirement only of a bare majority vote. Why? Because under any other voting scheme, a majority of people will refuse to participate.

To illustrate, if a yes/no vote is taken and someone says that the group should adopt the preference of the minority, the majority will refuse to participate. If, as a result, the majority leaves, the minority — now by itself — will be faced with the same situation all over again, namely, needing to rule by majority vote.

As another example, suppose that a yes/no vote is taken, the result is 55% to 45%, and that someone says that the proposal failed because it lacks a 2/3-majority vote. Then the 55% majority will refuse to participate because they will view the requirement of a 2/3-majority vote as constituting minority rule since it had not been adopted by majority vote.

Thus, in establishing any form of democracy from the ground up, we must start with majority rule by the people. Given this, the people can, through majority vote, establish basic institutions of government, including legislative, executive, and judicial branches of government, and they can also agree that certain kinds of decisions will require a supermajority vote.

In this scenario, under direct democracy, what is the rationale for protecting minority rights?

The rationale is as follows. Each individual realizes that across all future votes of the government, they are not likely to be in the majority on every vote. So in order to protect themselves in the face of a changing majority across

votes, by majority vote the people will adopt a statement of rights. And even when such rights are adjudicated by the courts, the highest court will consist of a group of jurists whose rulings will be based on majority vote of the members of the court.

In conclusion, under any form of government that is freely established by a group of people for themselves and that ultimately remains in the control of the people, minority rights are established by majority vote and are protected, interpreted, and adjudicated by institutions that are also established by majority vote.

Summary

My book *The Second American Revolution* addresses the fiscal problem of government. I show how to make government fiscally responsible through a focused use of direct democracy that is implemented by a specially designed initiative process to limit the cost of government.

If we address the general case of direct democracy, the rationale for protecting minority rights is that each person realizes that across all future votes of the government, they are not likely to be in the majority on every vote. So in order to protect themselves, by majority vote the people adopt a statement of rights.